State of Missouri

DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS & PROFESSIONAL REGISTRATION

IN RE:	)	
	)	
	)	Case No. 110426490C
Danielle S. Byrd,	)	
	)	
Applicant.	)	
	)	
Serve at:	)	
	)	
Aegis Communications Group	)	
80 Broad St., 11th Floor	)	
New York, NY 10004	)	

ORDER REFUSING TO ISSUE INSURANCE PRODUCER LICENSE

On June 20, 2011, the Consumer Affairs Division submitted a Petition to the Director alleging cause for refusing to issue an insurance producer license to Danielle S. Byrd. After reviewing the Petition, the Investigative Report, and the entirety of the file, the Director issues the following findings of fact, conclusions of law, and summary order.

FACTUAL BACKGROUND

1. Danielle S. Byrd ("Byrd") is an individual residing in New York, whose business and mailing address of record is Aegis Communications Group, Inc., 80 Broad St., 11th Floor, New York, NY 10004.

2. On or about October 12, 2010, the Department of Insurance, Financial Institutions and Professional Registration ("Department") received a Uniform Application for Individual Non-Resident Insurance Producer License ("Application") from Byrd.

3. In the section of the Application headed "Background Questions," Background Question # 4 asks "Have you been notified by any jurisdiction to which you are applying of any delinquent tax obligation that is not the subject of a repayment agreement? If so, what jurisdiction(s)?"

4. Byrd answered "Yes; Georgia" to Background Question # 4, and attached with her Application a Notice of Proposed Assessment from the Georgia Department of Revenue in the amount of $193.98 (if paid between 08/16/2008-09/07/2008) for individual income taxes that were owed for the tax period 01/01/2007 through 12/31/2007. The date of the notice was August 8, 2008. Byrd also submitted a handwritten explanation of the taxes due: "I Danielle S. Byrd am aware I owe the State of Georgia Internal Revenue the amount of $198.00. I have been unemployed since Sept. 2008 and plan to contact them to resolve this matter. I will be requesting a payment plan due to my limited income."

5. On November 3, 2010, Special Investigator Karen Crutchfield ("Crutchfield") sent a letter to Byrd's business and mailing address asking Byrd to provide a copy of the repayment agreement she referenced in her explanation. The letter requested a response by November 24, 2010. Byrd did not respond with the requested information and did not contact the Department in any way to provide a reasonable justification for a delayed response.

6. On November 29, 2010, Crutchfield sent an identical letter to Byrd's residential address. The letter requested a response by December 20, 2010. Byrd did not respond with the requested information and did not contact the Department in any way to provide a reasonable justification for a delayed response.

7. On December 27, 2010, Crutchfield sent another identical letter to Byrd's business and mailing address and Byrd's residential address, both by certified mail. The letters requested a response by January 17, 2011. The letter to Byrd's business and mailing address was signed for and delivered on January 3, 2011. The letter to Byrd's residential address was returned as unclaimed, unable to forward. Byrd did not respond with the requested information and did not contact the Department in any way to provide a reasonable justification for a delayed response.

8. On January 19, 2011, Crutchfield sent an email to the address listed on Byrd's Application requesting information on whether Byrd wished to continue with the application process, as well as informing Byrd that she could withdraw her Application at any time by submitting the request in writing. The email requested a response by February 9, 2011. The email was not returned as undeliverable. No response was received from Byrd.

CONCLUSIONS OF LAW

9. Section 375.141.1, RSMo (Supp. 2010),[1] provides, in part:

> The director may suspend, revoke, refuse to issue or refuse to renew an insurance producer license for any one or more of the following causes:
>
> * * *
>
> (2) Violating any insurance laws, or violating any regulation, subpoena or order of the director or of another insurance commissioner in any other state[.]

10. Title 20 CSR 100-4.100 Required Response to Inquiries by the Consumer Affairs Division, provides, in part:

> * * *
>
> (2)(A) Upon receipt of any inquiry from the division, every person shall mail to the division an adequate response to the inquiry within twenty (20) days from the date the division mails the inquiry. An envelope's postmark shall determine the date of mailing. When the requested response is not produced by the person within twenty (20) days, this nonproduction shall be deemed a violation of this rule, unless the person can demonstrate that there is reasonable justification for that delay.

11. "There is a presumption that a letter duly mailed has been received by the addressee." *Clear v. Missouri Coordinating Bd. for Higher Educ.*, 23 S.W.3d 896, 900 (Mo. App. 2000) (internal citations omitted).

12. The principal purpose of § 375.141 is not to punish licensees or applicants, but to protect the public. *Ballew v. Ainsworth*, 670 S.W.2d 94, 100 (Mo.App. E.D. 1984).

13. Byrd may be refused an insurance producer license pursuant to § 375.141.1(2), because by failing to respond to at least three inquiries from the Consumer Affairs Division, including letters dated November 3, 2010, November 29, 2010, and December 27, 2010, Byrd violated a Missouri insurance regulation, namely 20 CSR 100-4.100(2)(A).

14. The Director has considered Byrd's history and all of the circumstances

[1] All statutory references are to the Revised Statutes of Missouri (Supp. 2010) unless otherwise noted.

surrounding Byrd's Application for licensure and exercises his discretion in summarily refusing to grant Byrd's insurance producer license.

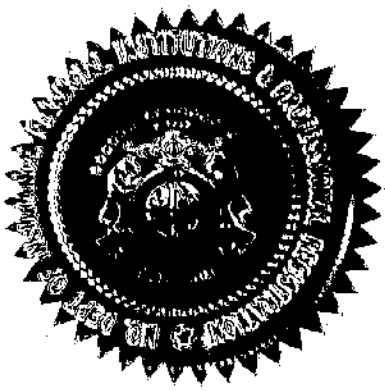
15. Granting Byrd's insurance producer license would not be in the public interest.

16. This Order is in the public interest.

ORDER

IT IS THEREFORE ORDERED that the insurance producer license application of **Danielle S. Byrd** is hereby summarily **REFUSED**.

SO ORDERED, SIGNED AND OFFICIAL SEAL AFFIXED THIS 27TH DAY OF JUNE, 2011.



JOHN M. HUFF
DIRECTOR

NOTICE

TO: Applicant and any unnamed persons aggrieved by this Order:

You may request a hearing in this matter. You may do so by filing a complaint with the Administrative Hearing Commission, P.O. Box 1557, Jefferson City, Missouri within 30 days after the mailing of this notice pursuant to § 621.120, RSMo. Under 1 CSR 15-3.290, unless you send your complaint by registered or certified mail, it will not be considered filed until the Administrative Hearing Commission receives it.

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of June, 2011, a copy of the foregoing Order and Notice was served upon the Applicant in this matter by certified mail No. 7009 3410 0001 9349 3027 at the following address:

Danielle S. Byrd
Aegis Communications Group
80 Broad St., 11th Floor
New York, NY 10004

Kathryn Randolph

Kathryn Randolph, Paralegal